

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House  
(317) 232-9855

**FISCAL IMPACT STATEMENT**

**LS 6824**

**BILL NUMBER:** HB 1200

**DATE PREPARED:** Dec 18, 2000

**BILL AMENDED:**

**SUBJECT:** Regulation of Inhalants.

**FISCAL ANALYST:** Sherry Fontaine

**PHONE NUMBER:** 232-9867

**FUNDS AFFECTED:** X GENERAL  
X DEDICATED  
FEDERAL

**IMPACT:** State & Local

**Summary of Legislation:** This bill adds new substances to the list of prohibited inhalants. The bill also criminalizes operation of a motor vehicle when a person is under the influence of model glue, nitrous oxide, or a prohibited inhalant.

**Effective Date:** July 1, 2001.

**Explanation of State Expenditures:** This bill provides for the following additional penalties related to the operation of a motor vehicle under the influence of prohibited inhalants as specified in the bill: Class A misdemeanor, Class D felony, Class C felony, and Class B felony. It also makes using prohibited inhalants, as specified in this bill, a Class B misdemeanor.

The following prison terms apply: (1) a Class B felony is punishable by a prison term ranging from six to twenty years depending upon mitigating and aggravating circumstances; (2) a Class C felony is punishable by a prison term ranging from two to eight years depending upon mitigating and aggravating circumstances; and (3) a Class D felony is punishable by a prison term ranging from six months to three years or reduction to a Class A misdemeanor.

The average expenditure to house an adult offender was \$20,700 in FY 1999. Individual facility expenditures ranged from \$14,936 to \$37,807. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the average cost for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner. The average length of stay in Department of Correction (DOC) facilities is as follows: (1) for all Class B felony offenders it is approximately three years, six months; (2) for all Class C felony offenders it is approximately two years; and (3) for all Class D felony offenders it is approximately ten months.

**Explanation of State Revenues:** If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for Class B, C, and D felonies is \$10,000. The maximum fine for a Class B misdemeanor is \$1,000, and the maximum fine for a Class A misdemeanor is \$5,000. Criminal fines are deposited in the Common School Fund. If the case is filed in a circuit, superior, or county court, 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund.

**Explanation of Local Expenditures:** If more defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may increase. A Class A misdemeanor is punishable by up to one year in jail. A Class B misdemeanor is punishable by up to 180 days in jail. The average cost per day is approximately \$44.

**Explanation of Local Revenues:** If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

**State Agencies Affected:** Department of Correction.

**Local Agencies Affected:** Trial courts, local law enforcement agencies.

**Information Sources:** Indiana Sheriffs Association, Department of Correction.